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2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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5
6 U.S. COMMODITY FUTURES
7 TRADING COMMISSION,

8 Plaintiff,

9 v.

10 GILBERT PHILIP CASTILLO, JR.,
11 et al.,

12 Defendants.

NO. C06-2540 TEH

ORDER CLARIFYING
DISCOVERY
RESPONSIBILITIES

13 This case is set to begin trial on June 17, 2008, and the Court-ordered discovery
14 cut-off date is March 3, 2008. On July 30, 2007, the Court ordered Defendant Gilbert
15 Castillo, Jr. to begin discovery no later than August 31, 2007. However, it appears that
16 Castillo may not have been diligent in pursuing discovery, and he certainly has not been
17 diligent in pursuing resolution of discovery disputes before the assigned magistrate judge.

18 Although Castillo has admitted on the record that he is receiving some legal
19 assistance, the Court nonetheless wishes to remind Castillo that a “discovery cut-off date” is
20 the last date on which he can conduct discovery. The Court further again reminds Castillo
21 that, if he has not already done so, he may obtain a “Handbook for Litigants Without a
22 Lawyer” from the Clerk’s office, located on the 16th floor of 450 Golden Gate Avenue, San
23 Francisco, CA.


24 Under the Federal Rules of Civil Procedure, parties are given a certain amount of time
25 to respond to discovery. To be clear, all discovery that Castillo seeks from Plaintiff must be
26 requested in time for Plaintiff to be able to respond prior to March 3, 2008. Discovery will
27 not be timely, and therefore will not be permitted, if Castillo waits until March 3 or shortly
28 before to seek discovery from Plaintiff.

1 Thus, the Court suggests that Castillo request any additional discovery – and comply
2 with Magistrate Judge Bernard Zimmerman’s procedures for resolving any remaining
3 discovery disputes, including Castillo’s contention that Plaintiff has failed to respond
4 adequately to requests already served by Castillo on Plaintiff – as soon as possible. Lack of
5 diligence in pursuing discovery, including timely resolution of discovery disputes, does not
6 constitute good cause for continuing the trial date.

7 All of the above, of course, applies equally to Plaintiff United States Commodity
8 Futures Trading Commission. The Court directs this order primarily to Castillo because it
9 presumes that counsel for Plaintiff understands the nature of discovery and the meaning of a
10 discovery cut-off date, and also because Plaintiff has informed the Court and Castillo on
11 numerous occasions that it already has all or nearly all of the information it needs to
12 prosecute this case based on its pre-filing investigation and depositions.

13
14 **IT IS SO ORDERED.**

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16 Dated: 01/09/08



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT